

## REMARKS

The Applicant wishes to thank Examiner Dzierzynski and Primary Examiner Luebke for their consideration and help during the interview on Wednesday, February 21, 2007. The above claim 1 was discussed and was agreed to be patentable over the combination of Bruwer and Galli.

Primary Examiner Luebke has asked that the differences between Bruwer and claim 1 be specifically set forth in this Response in confirmation of the perceived differences. The differences between the claimed invention and Bruwer are set forth in more detail below.

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Claims 1-54 are currently pending in the application. Claims 1-11, 15-25, 28-36, 39-50 and 54 stand rejected. Claims 12-14, 26, 27, 37, 38 and 51-53 have been indicated as allowable, but objected to as being dependent upon a rejected base claim.

### Rejection Under 35 U.S.C. §103

Claims 1-11, 15-25, 28-36, 39-50 and 54 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,249,089 to Bruwer in view of U.S. Pat. Appl. No. US 2003/0147239 to Galli. Applicant respectfully traverses this rejection.

Independent claims 1 and 16 have been further limited to “detecting entry of a plurality of input codes through the momentary contact where each input code identifies a respective one of the plurality of light source operating modes”. Claims 31 and 44 have been similarly limited. Support for this limitation may be found in numerous locations within the specification (e.g., paragraphs [0074], [0077], etc.).

Independent claims 1 and 16 have also been further limited to “activating and deactivating a light source of the flashlight through a single respective activation of the momentary contact in each of the plurality of operating modes without changing the operating mode.” Claims 31 and 44 have been similarly limited. Support for these limitations may be found in numerous locations within the specification (e.g., paragraphs [0102], [0106], etc.).

As clearly set forth in the description, “a difference exists between entry of an input code and activation and deactivation of the flashlight 10” (specification, par. [0106]). Further, “As used herein, entry of an input code means the activation of the pushbutton 50 in such a manner as to match one or more predetermined timing (i.e., access) codes stored within the processor . . . It does not mean the simple activation of a pushbutton to turn a flashlight on or off” (specification, paragraph [0070]).

Turning to Bruwer first, Bruwer fails to provide a flashlight with a plurality of different light source operating modes (as such terms are defined in the specification) that are each activated and deactivated through a momentary contact switch. It may be noted first in this regard that Bruwer fails to provide any reference to the use of a momentary contact switch. Bruwer refers to the “input activator/deactivator 102” as a “pushbutton or sliding switch” (Bruwer, col. 6, lines 18-23). ~~It should be noted in this regard that a pushbutton is not necessarily a momentary contact switch.~~

Moreover, the Bruwer description suggests that the input activator/deactivator 102 is not a momentary contact switch. For example, the “operator activates input push button or sliding command switch 102 to the ‘on’ position” (Bruwer, col. 6, lines 34-36) or “the operator switches the setting of the activating input switch 102 to the ‘off’ position” (Bruwer, col. 7, lines 25-30).

Rather than entering an input code through a momentary contact switch, Bruwer also relies upon a position of the switch 102 in the embodiments of column 7. In this regard, “the operator activates input 102 into the appropriate position to indicate . . . a function” (Bruwer, col. 7, lines 7-9).

Further, even where the possibility of an input codes does exist in Bruwer, the description of the entry of the code is clearly in terms of a maintained contact switch. For example, “a second ‘on’ activation within a given period after a first ‘on’ and ‘off’ activation, may be programmed into the microchip (control/reset means) to indicate a power reduction or dimming function or any other function as desired by the designer of said device” (Bruwer, col. 10, lines 10-15). As would be clear to those of skill in the art, an “off” activation would not be necessary with a momentary contact switch.

Moreover, while Bruwer offers a number of methods for entering a function, Bruwer does not offer any explanation of how a user exits any particular function. As such, it must be assumed that cancellation of a function must be inherent in the “off” activations of the switch 102. In this regard, the cancellation function would be clearly understandable if the use of the “off” term is indicative of a cancellation function and deactivation of the Bruwer flashlight as set forth in col. 7, lines 25-30 of Bruwer.

For example, “a single closure may instruct microchip 103 to activate current switch 202 continuously for a pre-determined length of time. Alternatively, two successive closures may instruct the microchip 103 to intermittently activate current switch 202 for a pre-determined length of time and sequence, for example, a S.O.S. sequence” (Bruwer, col. 10, lines 27-34). It

may be assumed that the Bruwer S.O.S. sequence is canceled by activating the switch 102 to the “off” position.

Galli also fails to provide a flashlight with a plurality of different light source operating modes (as such terms are defined in the specification) that are each activated and deactivated through a momentary contact switch without changing a operating mode. Galli has a number of flashlight operating modes including a momentary ON, full ON and confirmable OFF. However, the modes of Galli are controlled by the position of a rotatable end cap 100.

The claimed invention is now limited to the method step of (and apparatus for) “detecting entry of a plurality of input codes through the momentary contact where each input code identifies a respective one of the plurality of light source operating modes; and activating and deactivating a light source of the flashlight through a single respective activation of the momentary contact in each of the plurality of operating modes without changing the operating mode.” Neither Bruwer or Galli or the combination of Bruwer and Galli teach or suggest these claim elements. Since the combination fails to teach or suggest, *inter alia*, these claim elements, the rejection is improper and should be withdrawn.

#### Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

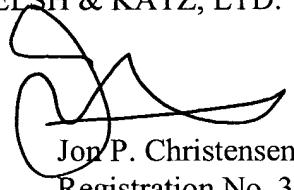
The Commissioner is hereby authorized to charge any additional fee which may be required

for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

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